

Message Text

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67

ACTION ARA-10

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PRS-01 SP-02 SS-15 SCS-03 SCA-01 SAM-01 DHA-02 /058 W

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 5818

C O N F I D E N T I A L SANTIAGO 7870

E. O. 11652: GDS

TAGS: PINT, CASC, CI (PANCHOT, DANIEL)

SUBJ: DETENTION OF HOLY CROSS PRIEST DANIEL PANCHOT

REF: SANTIAGO 7837

1. SUMMARY. CHARGE DELIVERED PROTEST NOTE AND MADE ORAL REPRESENTATIONS ON PANCHOT CASE TODAY, NOV. 20. FOREIGN MINISTRY PROMISED PROMPT ACTION ON SERIES OF U.S. REQUESTS. END SUMMARY.

2. AT COB NOVEMBER 19 FOREIGN MINISTRY REPORTED UNDER SECRETARY HAD NOT YET RETURNED FROM PRESIDENTIAL OFFICE AND WAS NOT EXPECTED TO RETURN IN TIME TO ACT UPON REQUEST FOR MEETING. AFTER FURTHER EMBASSY EFFORTS MORNING NOVEMBER 20, MINISTRY OFFERED MEETING WITH UNDER SECRETARY ON TUESDAY, NOVEMBER 25. CHARGE INSISTED SUBJECT OF CALL BOTH POLITICALLY SENSITIVE AND URGENT. DIRECTOR OF PROTOCOL EXPLAINED UNDER SECRETARY SCHEDULE VERY HEAVY BUT WOULD TRY AGAIN. HE LATER OFFERED APPOINTMENT WITH DIRECTOR OF INTERNATIONAL RELATIONS AT 4:30 NOVEMBER 20, WHICH WAS ACCEPTED.

3. AT THAT TIME CHARGE DELIVERED PROTEST NOTE CONTAINED REFTEL. AFTER GOING OVER THE NOTE WITH BERGUNO, CHARGE MADE FOLLOWING POINTS ORALLY:

4. RESPONSIBILITY FOR CONSUL'S VISIT. CHARGE SAID WE HAD HAD SOME INDICATIONS OF CONSIDERABLE SENSITIVITY IN OFFICIAL QUARTERS, CONFIDENTIAL

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OUTSIDE FONMIN ABOUT CONSUL'S VISIT TO FATHER PANCHOT NOVEMBER 18.

(IN FACT, ALTHOUGH CHARGE DID NOT INFORM BERGUNO, WE RECEIVED REPORTS EVENING NOVEMBER 19 THAT INVLUENTIAL PERSONS IN GOC SERIOUSLY CONSIDERING DECLARING CONSUL PERSONA NON GRATA.) CHARGE SAID IT UNNECESSARY TO DWELL ON FACT CONSUL PERFORMING INTERNATIONALLY RECOGNIZED FUNCTION CONTEMPLATED IN VIENNA CONSULAR CONVENTION. HOWEVER, CHARGE SAID HE WANTED TO MAKE IT ENTIRELY CLEAR THAT CONSUL'S VISIT HAD BEEN AT EXPLICIT INSTRUCTION OF CHARGE. CHARGE HAD ISSUED THOSE INSTRUCTIONS IMMEDIATELY FOLLOWING FOREIGN MINISTER'S ASSURANCE THAT CONSULAR ACCESS AUTHORIZED. AS RESULT, ANY SENSITIVITY ON THIS SUBJECT SHOULD BE DIRECTED TOWARD CHARGE, NOT CONSUL WHO SIMPLY CARRYING OUT HIS INSTRUCTIONS IN CARFUL, PROFESSIONAL MANNER.

5. LOCATION OF FATHER PANCHOT. CHARGE POINTED OUT THAT ALTHOUGH OUR NOTE SIMPLY REFERS TO CONSUL HAVING INTERVIEWED PANCHOT AT TRES ALAMOS DETENTION CENTER, HE WAS IN FACT INTERVIEWED IN THE SPECIAL SECURITY AREA OF TRES ALAMOS, POPULARLY KNOWN AS "CUATRO ALAMOS", WHERE HE IS DETAINED.

6. CONDITIONS OF CONSULAR INTERVIEW. CHARGE EXPLAINED THAT AT THE INSISTENCE OF A DETENTION CENTER OFFICIAL, WHO REFUSED TO IDENTIFY HIMSELF, THE INTERVIEW WAS CONDUCTED IN SPANISH IN THE PRESENCE OF THAT OFFICIAL. CHARGE SAID THAT IN HIS VIEW THE CONDITIONS OF THE INTERVIEW IMPOSED BY THE OFFICIAL IN CHARGE WERE SUCH AS TO PLACE VERY SERIOUS RESTRAINTS ON FATHER PANCHOT. AS A RESULT IT IS POSSIBLE THAT AT SUCH TIME AS THE EMBASSY CAN INTERVIEW FATHER PANCHOT UNDER MORE PROPITIOUS CIRCUMSTANCES, HE MAY REPORT ADDITIONAL INFORMATION WHICH WILL REQUIRE A FURTHER PROTEST BY THE EMBASSY.

7. CONTINUED ACCESS. CHARGE SAID THAT HE HAD ASSUMED THAT THE FOREIGN MINISTER'S AUTHORIZATION FOR CONSULAR ACCESS TO FATHER PANCHOT ON NOVEMBER 18 WAS A STANDING AND CONTINUING AUTHORIZATION. WE CONSIDER IT IMPORTANT THAT THE CONSUL VISIT FATHER PANCHOT FREQUENTLY. AS A RESULT, THE CHARGE HAD INSTRUCTED THE CONSUL TO VISIT HIM AGAIN TODAY, NOVEMBER 20. TO OUR GREAT SURPRISE, THE CONSUL HAD REPORTED FROM TRES ALAMOS THAT HE WAS NOT PERMITTED TO ENTER BECAUSE EACH VISIT REQUIRED AUTHORIZATION FROM THE MINISTER OR UNDER SECRETARY OF INTERIOR. AT THE CHARGE'S REQUEST, THE CONSUL REMINDED DETENTION CENTER OFFICIALS THAT THE FOREIGN

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MINISTER HAD AUTHORIZED CONSULAR ACCESS TO FATHER PANCHOT AND ASKED THAT THEY CHECK WITH THE MINISTRY OF INTERIOR. THEY REPORTED THAT THEY HAD DONE SO AND THAT THE MINISTRY HAD NOT AUTHORIZED THE VISIT. CHARGE REQUESTED THAT ARRANGEMENTS BE MADE IMMEDIATELY TO PERMIT REPEATED AND FREQUENT CONSULAR VISIT TO FATHER PANCHOT.

8. MEDICAL EXAMINATION. CHARGE SAID THAT IN LIGHT OF FATHER PANCHOT'S REPORT TO THE CONSUL CONCERNING HIS TREATMENT WHILE IN DETENTION,

WE CONSIDER IT BOTH IMPORTANT AND MUTUALLY ADVANTAGEOUS THAT HE BE EXAMINED BY A PHYSICIAN AT THE EARLIEST POSSIBLE MOMENT. CHARGE REQUESTED THAT ARRANGEMENTS BE MADE TO PERMIT US TO HAVE FATHER PANCHOT EXAMINED BY A PHYSICIAN.

9. LEGAL COUNSEL. CHARGE SAID THAT FATHER PANCHOT HAD ASKED THAT HIS ORDER RETAIN LEGAL COUNSEL FOR HIM. CHARGE SAID HE DID NOT KNOW WHETHER THIS ACCOMPLISHED BUT WOULD APPRECIATE ASSURANCES THAT LEGAL COUNSEL WOULD BE PERMITTED ACCESS TO FATHER PANCHOT.

10. LEGAL DISPOSITION OF PANCHOT CASE. CHARGE NOTED THAT FATHER PANCHOT COMPLETED FIVE DAYS IN DETENTION EARLY THIS MORNING, NOVEMBER 20. IN KEEPING WITH DECREE LAW 1009 HE SHOULD BY THAT TIME HAVE BEEN FREED, TURNED OVER TO THE COURTS OR TURNED OVER TO THE MINISTRY OF INTERIOR. THERE WILL BE INTENSE AND WIDESPREAD INTEREST IN THE US IN GOC HANDLING OF THIS CASE. CHARGE REQUESTED INFORMATION AS TO STATUS OF FATHER PANCHOT UNDER DECREE LAW 1009.

11. BEHAVIOR OF SECURITY FORCES. CHARGE OBSERVED THAT SOME ASPECTS OF HANDLING OF FATHER PANCHOT'S CASE BY GOC AUTHORITIES EVIDENCED A BROADER PROBLEM WHICH LIKELY TO BE A SOURCE OF CONTINUING DIFFICULTIES I.E., APPARENT FAILURE OF GOC SECURITY FORCES TO RECOGNIZE CHILE'S INTERNATIONAL OBLIGATIONS WITH REGARD TO FOREIGNERS DETAINED BY THEM. HE URGED THAT ALL EFFORTS BE EMPLOYED TO BRING ABOUT COMPLIANCE WITH THESE OBLIGATIONS BY SECURITY FORCES.

12. FOREIGN MINISTRY REACTION. BERGUNO REGRETTED EVENTS WHICH MOTIVATED EMBASSY PROTEST. HE SAID MINISTRY MAKING VIGOROUS EFFORTS EFFORTS OBTAIN COMPLIANCE WITH NOTIFICATION REQUIREMENTS BY SECURITY FORCES AND THIS CASE WOULD BRING INTENSIFICATION THOSE EFFORTS. HE SAID HE COULD NOT IMAGINE HOW ANYONE COULD BE CONFIDENTIAL

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SENSITIVE ABOUT CONSUL'S VISIT TO PANCHOT SINCE HE SIMPLY CARRYING OUT HIS DUTY. BERGUNO EXPRESSED REGRET AT THE CONDITIONS UNDER WHICH THE CONSULAR INTERVIEW HAD TO BE CONDUCTED. HE SAID CHARGE'S UNDERSTANDING CORRECT ABOUT CONTINUING CHARACTER OF FOREIGN MINISTER'S AUTHORIZATION OF CONSULAR ACCESS. HE PROMISED THIS MATTER WOULD BE RESOLVED IN THE COURSE OF THE DAY, IF NECESSARY BY THE MINISTER'S INTERVENTION, IN ORDER THAT THE CONSULMIGHT VISIT FATHER PANCHOT TOMORROW, NOVEMBER 21, AND FREQUENTLY THEREAFTER. BERGUNO ALSO PROMISED TO MAKE ARRANGEMENTS FOR MEDICAL EXAMINATION AND VISIT BY LEGAL COUNSEL AND TO LOOK INTO LEGAL STATUS OF FATHER PANCHOT UNDER DECREE LAW 1009.
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